

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6956

BILL NUMBER: HB 1850

NOTE PREPARED: Apr 7, 2003

BILL AMENDED: Apr 7, 2003

SUBJECT: Commitment of Minor for Drug and Alcohol Treatment.

FIRST AUTHOR: Rep. Becker

FIRST SPONSOR: Sen. Server

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: **GENERAL
DEDICATED
FEDERAL**

IMPACT: Local

Summary of Legislation: (Amended) This bill allows a juvenile court to order involuntary drug and alcohol treatment for a child. It allows a juvenile court to order a parent, guardian or custodian of a child to participate in any aspect of the child's treatment. It specifies that neither the court nor the county is liable for any cost of the child's assessment or treatment.

Effective Date: July 1, 2003.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) Depending on the number of verified petitions, a county could incur additional expenses for court hearings.

Background: Currently, there is no involuntary substance abuse treatment for children in Indiana. According to information from all licensed substance abuse counselors, 1,468 children were provided inpatient or outpatient substance abuse services in FY 2002. There are no data available to indicate how many more children may be treated if involuntary treatment is permitted.

Commitment Procedure: Under this bill, a court may order a juvenile to attend drug or alcohol treatment on an involuntary basis under the following procedure:

1. The parents, guardian, or custodian of a child may file a verified petition that includes an affidavit

from a health care professional that a child is a drug or alcohol abuser.

2. The juvenile court holds a probable cause hearing to determine if a child is a drug or alcohol abuser.
3. If the court determines in a probable cause hearing that the child may be a substance abuser, then the court is required to order a further assessment by another health care professional that involuntary treatment is necessary.
4. If the health care professional determines that involuntary treatment is necessary, the professional must also recommend a level of care and length of treatment.
5. After the assessment is completed the court shall conduct a hearing to determine whether involuntary drug and alcohol treatment should be ordered.

The court may order involuntary drug and alcohol treatment including inpatient or outpatient services for not more than 45 consecutive days. Additional reviews would take place prior to the expiration of the treatment period, and additional treatment periods may be ordered. Under the bill, neither the court nor the county is liable for any cost of the child's assessment or treatment.

Appointment of Guardian Ad Litem: The court would have the option to appoint a guardian ad litem (GAL) to represent a child in a proceeding for involuntary drug and alcohol treatment. IC 31-9-2-50 defines guardians ad litem as attorneys, volunteers, or employees of a county program designated under IC 33-2.1-7-3.1 who are appointed by a court to (1) represent and protect the best interests of a child; and (2) provide the child with services requested by the court.

These services include researching, examining, advocating, facilitating, and monitoring the child's situation. A guardian ad litem who is not an attorney must complete the same court-approved training program that is required for a court-appointed special advocate (CASA).

In 2001, 67 of Indiana's 92 counties had a volunteer-based GAL/CASA Program. If a child cannot be represented by a guardian ad litem volunteer in the other 25 counties, then the court would likely be required to appoint an attorney to represent the child. Costs for court-appointed attorneys vary by county with some counties paying on an hourly basis for representation and others paying a flat rate for representation in both juvenile and adult matters.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Courts with juvenile jurisdiction.

Information Sources: Tom Carusillo, Public Defender Commission, 317-232-2542; Susan Kilty, Family and Social Services Agency, 317-232-4451.

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